

Christine A. Ford  
Christine A. Ford, P.S.  
7403 Lakewood Drive West, Suite 11  
Tacoma, Washington 98467-3245  
Attorney for Creditor

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION**

**IN RE:**

**RANDOLPH STUART PHILIPS  
BOBBI KAY PHILLIPS  
FKA BOBBI KAY SUNDERLAND**

## DEBTORS

**VW CREDIT, INC.**

## MOVANT

**VS**

**RANDOLPH STUART PHILIPS  
BOBBI KAY PHILLIPS  
FKA BOBBI KAY SUNDERLAND  
AND MICHAEL P. KLEIN, TRUSTEE**

## RESPONDENTS

**AFFIDAVIT OF TARA CUNNY IN SUPPORT OF MOTION  
TO COMPEL ADOPTION OR REJECTION OF EXECUTORY CONTRACTS**

**I, Tara Cunny, hereby state the following:**

1. I am a duly authorized representative of VW Credit, Inc. ("VW Credit") and its successors and/or assigns, and hereby make this Affidavit in such capacity.

2. VW Credit is a corporation organized under the laws of the State of Delaware, and is authorized to sue on its own behalf.

3. I am a custodian of records for VW Credit. In the course of my employment, I have become familiar with the manner and method in which VW Credit maintains its books and records in its regular course of business. Those books and records are managed by employees and agents whose duty it is to keep the books and records accurately and completely and to record each event or item at or near the time of the event or item so noted.

4. I have reviewed the books and records which reveal that VW Credit is the owner and holder of the following Lease Agreement covering the following collateral: 2001 Volkswagen Beetle GLX 1.8T 5 Speed Manual Coupe, VIN: 3VWDC21C11M416289.

a. Lease Number xxxxx7752 whose total payments are \$21,922.21.

5. By failing to pay the balance of the indebtedness due upon the Note maturity date of January 10, 2005, Debtors have not provided adequate assurance of payment to VW Credit.

6. It is Debtors' intention to surrender the Collateral.

7. VW Credit has had to retain counsel to represent it before this Court and is incurring legal expenses and attorneys' fees for which it is entitled to reimbursement under the terms of its Lease.

The foregoing facts are of my own personal knowledge and belief, and if called upon to appear as a witness, I could, and would, testify competently thereto. I declare under penalty of perjury that to the best of my knowledge, the foregoing facts are true and correct.

VW Credit, Inc.

By:

Tara Cunny

(Title)

Bk Analyst

SUBSCRIBED AND SWORN TO BEFORE ME on April 8th, 2005.

[Signature]  
Notary Public in and for the State of Illinois

7224-N-9238



**CERTIFICATE OF SERVICE**

I, Christine A. Ford, hereby certify that a true and correct copy of the foregoing Affidavit in Support of Motion to Compel Adoption or Rejection of Executory Contracts has been served upon the following parties in interest by pre-paid regular U.S. Mail on the 13<sup>th</sup> day of April 2005:

Debtors Pro Se  
Randolph Stuart Philips  
Bobbi Kay Phillips  
fka Bobbi Kay Sunderland  
PO Box 231  
Indianola, Washington 98342

US Trustee  
VIA ECF Notification

Chapter 7 Trustee  
Michael P. Klein  
1218 3rd Avenue, Suite 1809  
Seattle, Washington 98101

/S/ CHRISTINE A. FORD  
Christine A. Ford, WSBA #13972

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